

REMARKS

Claims 9-12 and 14-17 are pending after amendment herein. Claims 9-12 and 14-17 are rejected under 35 USC 102(b) as being anticipated by US patent 2,837,270 (Chapman). Claims 9-12 and 14-17 are rejected under 35 USC 102(b) as being anticipated by US patent 5,297,386 (Kervistin). Claims 9 and 14 are amended herein. Claims 18-22 are new. No new matter is added by these amendments. Claims 9-12 and 14-22 are presented for examination.

Description of claim amendments

Claims 9 and 14: The term "in the housing" is supported in paragraph 17, line 1, and in the third line from the end of paragraph 30, and in all figures.

Claims 18 and 20 are supported in paragraph 17, all lines, also in paragraph 34, lines 3-5, and in figures 3 and 4,

Claims 19 and 21 are supported in paragraph 34, lines 3-6, and in figures 3 and 4. The term "radial" is known in the art to be in relation to the rotor axis. It is used this way in the specification, for example in paragraph 29, line 4.

Claim 22 is supported in paragraph 12 lines 1-5, and in paragraph 30 lines 8-10 (valve is open during operation). It is further supported in paragraph 15 lines 1-3 (valve is closed or partially closed during shutdown).

MPEP 2173.05(e): There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.

MPEP 2106 I C.: The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope.

Response to rejection under 35 USC 102 vs. Chapman

Regarding claims 9-10 and 14-22: Chapman's cavity (plenum 42) is not in the housing (casing 16, 18) of the compressor, but is external to the housing. It is not configured to thermally influence the housing (present claim 9) or to thermally insulate the housing (present claim 14), since it stands off of the housing.

Chapman col. 3, lines 16-22: *"Each half of the compressor constituted by the semi-cylindrical portions of the casing members 16 and 18 has welded or otherwise secured to the exterior thereof a fabricated sheet metal structure comprising a pair of axially spaced manifolds or plenum chambers 42, 44 which are joined by a tubular conduit 46 having a pair of exhaust ports 48, 50 near the opposite ends thereof."*

Response to rejection under 35 USC 102 vs. Kervistin

Regarding claims 9-10 and 14-22: Kervistin's wall 8 is not the compressor housing. Instead, wall 7 is the compressor housing (col. 2, lines 51-53). Heat exchanger 14 is not in the compressor housing 7. A valve 11 is located outside the compressor housing 7 (col. 3, lines 2-3), and the heat exchanger 14 is even further from the housing 7. Conduit 17 is not a tap line, but is a cooling air return line from the heat exchanger 14. The tap is a plain hole 10.

The heat exchanger 14 has nothing to do with cooling, heating, or insulating the case 7. Instead, it cools the tap air R, which is then returned as cooling air R1, R2 to cool the rotating portions of the compressor (col. 3, line 64 to col. 4, line 1). This does not thermally influence the compressor housing 7 in any way.

Conclusion

For anticipation under 35 USC 102, a reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (MPEP 706.02(a) IV). The identical invention must be shown in as complete detail as

recited in the claim, and the elements must be arranged as required by the claim (MPEP 2131). These criteria are not met for the independent claims as argued above. Prior art cannot anticipate a claim if there is any structural difference (MPEP 2114). Accordingly, Applicants request withdrawal of the 35 USC 102 rejections, and allowance of the application.

The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including fees for additional claims and terminal disclaimer fee, or credit any overpayments to Deposit Account No. 192179.

Respectfully submitted,

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By: Janet D. Hood
Janet D. Hood
Registration No. 61,142
(407) 736-4234

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830